

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

SHAUNDRA ORR, Independent Administrator)	
Of The Estate of JACE RAPP, deceased,)	
)	
Plaintiff,)	
)	No: 3:11-cv-608-JPG-SCW
v.)	
)	
WEXFORD HEALTH SOURCES, INC., TAMMY)	
TROYER, RN, and JAMES FENOGLIO, M.D.)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter comes before the Court on the plaintiff's second amended petition to approve the settlement with Wexford Health Sources, Inc. and the distribution of the proceeds of that settlement (Doc. 49) and the plaintiff's motion to dismiss claims against defendants Tammy Troyer, RN, and James Fenoglio, M.D. (Doc. 48). Due notice having been given to claimant Stephenia T. Spencer, Spencer having expressed no objection to the motions, and the Court having been fully advised in the premises, the Court:

1. **GRANTS** the second amended petition to approve settlement and distribution (Doc. 49) and **APPROVES** the settlement with Wexford Health Sources, Inc. detailed in Exhibit A (Doc. 51) to that petition and the allocation of funds as follows:

- Reimbursement of case expenses to the law firm of Dudley & Lake, LLC, in the amount of \$6,007.45.
- A 1/3 fee of the total amount of the settlement which is detailed in Exhibit A.
- The remaining proceeds, after expenses and attorney fees shall be allocated 50% to Shaunda Orr, Adult Daughter, and 50% to Stephenia T. Spencer, Adult Daughter;

2. **DISMISSES with prejudice** the claims in this case against Wexford Health Sources, Inc. pursuant to Federal Rule of Civil Procedure 41(a)(2) as they have been settled pursuant to the Illinois Wrongful Death Act;

3. **GRANTS** the plaintiff's motion to dismiss defendants Tammy Troyer, RN, and James Fenoglio, M.D., pursuant to Rule 41(a)(2) (Doc. 48);

4. **DISMISSES with prejudice** the claims in this case against Tammy Troyer, RN, and James Fenoglio, M.D.; and

5. **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

May 21, 2012

s/J. Phil Gilbert

**J. PHIL GILBERT
DISTRICT JUDGE**